

REMARKS

Claims 1-102 were pending in the application. Claims 40-42, and 48 have been cancelled. Claims 103-105 have been added. Claims 57, and 58-63 have been amended to depend from new claim 105. Support for new claims 103-105 can be found throughout the specification as originally filed, for example, in originally filed claims 40-42, and 48. Claim 44 has been amended to correct a typographical error. Therefore, claims 1-39, 43-47, and 49-105 will be pending upon entry of the instant amendment. No new matter has been added.

Cancellation of and/or amendments to the claims should in no way be construed as an acquiescence to any of the Examiner's objections and/or rejections. The cancellation of and/or amendments to the claims are being made solely to expedite prosecution of the above-identified application. Applicants reserve the option to further prosecute the same or similar claims in the present or another patent application. The amendments made to the claims are not related to any issues of patentability.

Response to Restriction Requirement

The Examiner has required restriction between the following inventions in the above-identified application:

Group I, claims 1-39, 43-47, 49-50, and 102 directed to amyloid targeting imaging agents capable of binding specifically to amyloid fibrils and fibril containing structures (e.g., lesions or plaques); and

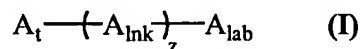
Group II, claims 40-42, 48, 51-101, directed to methods of diagnosis that are useful for imaging amyloid fibrils in vivo.

Accordingly, Applicants hereby elect Group I, Claims 1-39, 43-47, 49-50, and 102 for continued examination with partial traverse. Applicants respectfully submit that the process of claims 51-56 of Group II could not be practiced with another materially different product because the claims require the product of claim 1. The Examiner implies that the process could be practiced with a materially different product, i.e., Congo Red. However, with respect to

claims 51-56, the process cannot be practiced with a materially different product, because the products as claimed are required by those processes. Applicants respectfully submit that the foregoing is also true for new claims 103-105, i.e., the process of those claims cannot be practiced with another materially different product, because those claims require the product of claim 1. Claims 57 and 59-63 have been amended to depend directly or indirectly from new claim 105, such that the methods require the compositions of the elected invention. In sum, upon entry of the present amendment, Applicants submit that the following claims will be directed to the invention of Group I: 1-39, 43-47, and 49-105.

Response to Election of Species

The Examiner has also requested election of a single species. Applicants elect a species according to the following formula (Formula I):



wherein: A_t is alpha-N-(3-sulfopropyl)-L-lysine; A_{lnk} is absent (i.e., $z=0$); and A_{lab} is an EDTA chelate of $^{99\text{m}}\text{Tc}$. Claims 1-2, 8-9, 13, 18, 21-23, 31-33, 43-45, 51-54, 55-63, 65-67, 69, 75-76, 95-98, and 100-105 read on the elected species.

It is Applicants' understanding that examination will proceed on the elected species and the entire scope of the invention encompassing the elected species. Furthermore, Applicants reserve the right to file divisional applications on the remaining subject matter, if so desired.

Lastly, Applicants would like to note that in accordance with MPEP 821.04 and *In re Ochiai*, 71 F.3d 1565, 37 USPQ 1127 (Fed. Cir. 1995), rejoinder of product claims with process claims commensurate in scope with the allowed product will occur following a finding that the product claims are allowable.

SUMMARY

It is respectfully submitted that this application is in condition for allowance. If there are any remaining issues, or if the Examiner believes that a telephone conversation with Applicants attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at (617) 227-7400. Please charge any additional fees or credit any overpayments to our Deposit Account No. 12-0080, under Order No. NBI-139CP from which the undersigned is authorized to draw.

Dated: October 10, 2006

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

By 

Danielle L. Herritt

Registration No. 43,670

28 State Street

Boston, Massachusetts 02109

(617) 227-7400

(617) 742-4214 (Fax)

Attorney for Applicants